

REMARKS

The present application was filed on November 20, 2003 with claims 1-19. Claims 11 and 19 have been previously canceled. Claims 1-10 and 12-18 remain pending, including independent claims 1, 17 and 18.

Claims 1-10, 12 and 15-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,526,392 (hereinafter "Dietrich"). Claim 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over references including Dietrich.

With regard to the §103 rejection, Applicants note that claim 1, as previously presented, included a limitation wherein combinations which may be offered are determined by (i) computing a set of prices and (ii) computing a set of service levels to offer to the one or more users at each one of the prices in the set of prices. It is clear that claim 1 requires that the set of prices be computed before the set of service levels to offer at each of the prices in the set of prices.

Applicants respectfully submit that Dietrich fails to teach or suggest this limitation, but rather discloses a technique which first determines "a profile of the services to be contracted to one or more new customers," and then determines "a range of prices to be considered for the services to be contracted." See Dietrich at, for example, column 1, line 56, to column 2, line 27.

Notwithstanding this traversal, however, Applicants have amended claim 1 without prejudice solely in order to expedite prosecution by clarifying the claimed subject matter. More particularly, claim 1, as amended, recites a management model operative to determine an allocation of the one or more computing resources based on products, comprising combinations of price levels and service levels, that may be offered to one or more users of the one or more computing resources so as to attempt to satisfy at least one management goal. Amended claim 1 further recites controlling a usage load level of the one or more computing resources by modulating quantities of products offered to the one or more users of the one or more computing resources. Support for these amendments may be found in the specification at, for example, page 9, lines 3-7; page 9, line 25, to page 10, line 8; page 12, lines 1-7; and page 13, lines 22-26.

Applicants respectfully submit that Dietrich fails to teach or suggest any arrangement which includes controlling a usage load level of the one or more computing resources by modulating

quantities of products offered to the one or more users of the one or more computing resources. Rather, Dietrich only determines “a range of prices to be considered for the services to be contracted,” but does not determine quantities of products to be offered (e.g., how many units of a given service offering should be available at a given price).

Applicants also assert that dependent claims 2-10 and 12-16 are patentable over the reference not only for the reasons given above, but also because one or more of said dependent claims recite separately patentable subject matter in their own right.

In view of the above, Applicants believe that the present application is in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,



David E. Shifren  
Attorney for Applicant(s)  
Reg. No. 59,329  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-2641

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